

App. No. 09/837,102
Office Action Dated December 21, 2004

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 2 and 3 are hereby amended.

Claims 2, 3, 5-10, 14, 15, 19-24, 26 and 27 were rejected as being indefinite. Claims 2 and 3 are amended to address the concerns of the Examiner. The amendment of claims 2 and 3, reciting "along a machine direction" and "said thermoplastic fiber being direction aligned along a machine direction", respectively are supported by the specification on page 15, lines 24-25, as well as Figure 1. Favorable reconsideration is requested.

Claims 2-3, 5-10, 14-15, 19-24, and 26-27 were rejected as being unpatentable over Terakawa et al. (US 5,753,330) in view of Bird (US 3,802,429) and further in view of Wada (EP 313,920). Applicants respectfully traverse this rejection.

The rejection relies on Bird for teaching the directional alignment of fibers. However, the invention in Bird is directed to surgical mask and is not suitable for combination with the filters of Terakawa or Wada, and is not related to the wound filter of the present invention. The fabric in the Bird invention is used "as is", with the fabric body portion adapted to cover and secure over the user's nose and mouth. Bird does not suggest that the masking cloth be wrapped in a cylindrical shape, much less in a twill form as required by the present invention. Moreover, Bird's stated purpose was to produce a low-air resistance mask. See Col. 2, lines 8-10. Having a fabric strip wrapped in multi-layers, e.g. as in the twill form required by the present invention and allegedly illustrated by Wada, would result in higher air resistance and thus would be directly contrary to the purpose of Bird's invention.

The structures of the Bird surgical mask and the products of Terakawa and Wada are completely different. The surgical mask of Bird is used in environments that are completely different from the environments in which the products of Terakawa and Wada are used. The operating conditions for the surgical mask of Bird are completely different than the operating conditions of the products of Terakawa and Wada. The present record does not establish any reasonable basis for one of ordinary skill to use the teachings of Bird with the products of Terakawa and Wada to reach the present invention.

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For at least these reasons, claims 2 and 3, as well as claims 5-10, 14-15, and 26-27 that depend therefrom, are allowable over Terakawa in view of Bird and Wada. Reconsideration and allowance are respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,



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